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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5703

11 **REGINALD R. CHANDRA**
12 **756 Third Avenue**
13 **San Bruno, CA 94066**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 60256**

15 Respondent.

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 20 2. On or about January 11, 2005, the Board of Pharmacy issued Pharmacy Technician
21 License No. TCH 60256 to Reginald R. Chandra (Respondent). The License was in full force and
22 effect at all times relevant herein and will expire on December 31, 2016, unless renewed.

23 JURISDICTION

- 24 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
25 Consumer Affairs, under the authority of the following laws. All section references are to the
26 Business and Professions Code (Code) unless otherwise indicated.
- 27 4. Section 4300(a) of the Code provides that every license issued by the Board may be
28 suspended or revoked.

1 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
2 controlled substance, except that furnished upon a valid prescription/drug order.

3 10. Health and Safety Code section 11170 provides that no person shall prescribe,
4 administer, or furnish a controlled substance for himself or herself.

5 11. Health and Safety Code section 11173, subdivision (a), provides that no person shall
6 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
7 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
8 or subterfuge; or (2) by the concealment of a material fact.

9 12. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
10 any controlled substance listed in Schedule II (Health and Safety Code section 11055),
11 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

12 13. California Code of Regulations, title 16, section 1770, states:

13 "For the purpose of denial, suspension, or revocation of a personal or facility license
14 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
15 crime or act shall be considered substantially related to the qualifications, functions or duties of a
16 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
17 licensee or registrant to perform the functions authorized by her license or registration in a manner
18 consistent with the public health, safety, or welfare."

19 COST RECOVERY

20 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation of the licensing
22 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

23 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

24 15. Section 4021 of the Code states:

25 "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section
26 11053) of Division 10 of the Health and Safety Code."

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1 16. Section 4022 of the Code states, in pertinent part:

2 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
3 except veterinary drugs that are labeled as such, and includes the following:

4 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
5 prescription,’ ‘Rx only,’ or words of similar import.

6 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
7 prescription or furnished pursuant to Section 4006.”

8 17. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for
9 compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III
10 controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous
11 drug as designated by Business and Professions Code section 4022. The varying compounds are
12 also known generically as **Hydrocodone with APAP**. These are all narcotic drugs. Products like
13 these that combine **hydrocodone** with non-controlled substances are also called **hydrocodone**
14 **combination products**. Effective October 6, 2014, **hydrocodone combination productions**
15 were switched at the federal level from Schedule III (21 C.F.R. § 1308.13(e)(1)(iii) and (iv)) to
16 Schedule II (21 C.F.R. § 1308.12(b)(1)). This includes **Hydrocodone with APAP** drugs.

17 FACTUAL SUMMARY

18 18. For a period of time including November 13, 2014, Respondent was employed as a
19 pharmacy technician at a Walgreens Pharmacy (PHY 35432) in San Carlos, California.

20 19. On or about November 13, 2014, Respondent opened a bag containing vials of drugs
21 prepared for a patient and placed in the Will Call area of the pharmacy, removed a vial of **Vicodin**
22 (**Hydrocodone with APAP**), and took it for his own use. Respondent admitted that he then
23 immediately ingested/self-used two (2) tablets.

24 FIRST CAUSE FOR DISCIPLINE

25 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

26 20. Respondent is subject to discipline under section 4301(f) of the Code, in that
27 Respondent, as described in paragraphs 18 and 19 above, committed acts involving moral
28 turpitude, dishonesty, fraud, deceit, or corruption.

1 SECOND CAUSE FOR DISCIPLINE

2 (Furnishing of Controlled Substance(s))

3 21. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
4 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described
5 in paragraphs 18 and 19 above, furnished to himself or another without a valid prescription,
6 and/or conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

7 THIRD CAUSE FOR DISCIPLINE

8 (Possession of Controlled Substance(s))

9 22. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
10 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described
11 in paragraphs 18 and 19 above, possessed, conspired to possess, and/or assisted in or abetted
12 possession of, a controlled substance, without a valid prescription.

13 FOURTH CAUSE FOR DISCIPLINE

14 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

15 23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
16 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs
17 18 and 19 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a
18 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

19 FIFTH CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct)

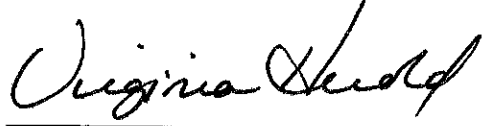
21 24. Respondent is subject to discipline under section 4301 of the Code in that
22 Respondent, as described in paragraphs 18 to 23 above, engaged in unprofessional conduct.

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24
25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Pharmacy issue a decision:
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- 1 1. Revoking or suspending Pharmacy Technician License Number TCH 60256, issued to
- 2 Reginald R. Chandra (Respondent);
- 3 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
- 4 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 5 3. Taking such other and further action as is deemed necessary and proper.

6
7 DATED: 8/29/16



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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